



October 30, 2002

Suffolk County Planning Federation

The Suffolk County Planning Federation was formed in 1994 by County Executive Robert J. Gaffney. The primary purpose of the Federation is to provide training opportunities for county, town and village planning and zoning officials. In addition, the programs are open to elected officials, staff members, consultants as well as civic and community representatives. The premise of the Federation is that through training, better, more effective planning can result.

This resource manual provides extensive information regarding the fundamentals of both Planning Board and Zoning Board of Appeals functions. It is a supplement to the presentations provided at the seminar and can be used as a reference source. The information is provided by highly qualified instructors from the New York State Department of State and the Department of Environmental Conservation. Additional information is also provided by the Suffolk County Planning Department and private sector experts.

Thank you for your commitment to good planning and for your interest in the future of your community.

Thomas A. Isles, A.I.C.P., Director
Suffolk County Planning Department

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PLANNING BASIC TRAINING:

A SEMINAR ON PLANNING BOARD FUNDAMENTALS, ZONING BOARD FUNDAMENTALS AND SEQRA COMMUNITY CHARACTER ISSUES

Welcome to this training program sponsored by the Suffolk County Planning Federation. Instruction will be provided by planning and legal staff of the New York State Department of State (DOS) and Department of Environmental Conservation. Local experts will supplement the program, resulting in one of the most comprehensive training programs ever offered on Long Island.

Introductions are scheduled by the Assistant Secretary of State, Charlie Murphy and Suffolk County Executive, Robert J. Gaffney. Following the introductions, the seminar courses will be presented in three sessions. The first session will encompass overviews of planning board and zoning board of appeals functions as well as a special program regarding community character issues in the SEQRA process. The second and third sessions will provide participants with a choice of three topics:

- County referral system, requirements and procedures
- Records, Findings & Decision making, and
- Conducting Effective Meetings and Hearings

The overview courses qualify for continuing education credits for Code Enforcement Officers (CEO), AICP Continuing Professional Development and Continuing Legal Education (CLE) Professional Practice for Attorneys.

Participation in the program is recommended for planning and zoning board members, town and village board members, staff to the boards, consulting firms as well as civic and community representatives. A Suffolk County Planning Federation certificate of completion will be sent to all seminar attendees.

The program will include the following New York State Department of State Local Government and Land Use Management courses. The course content is intended to familiarize board members with procedures that must be followed, applicable state statutes, general design concepts, and the context in which local decision making occurs. More experienced board members may want to treat these basic courses as *refresher courses* and as a way to confirm their working knowledge of recent changes to the state land use statutes. Both new and experienced board members and other local government officials will benefit from attending sessions that allow a more in-depth treatment of basic planning tools.

Planning Board Overview (1)

- State enabling statutes and the municipal planning process
- The powers and duties of town, village, and city planning boards
- The comprehensive plan and the role of the planning board in its development
- A discussion of the subdivision plat review and approval process

Zoning Board of Appeals Overview (1)

- Zoning and its relationship to town, village, and city planning
- Powers & duties of local legislative body, zoning board of appeals, enforcement official & local planning board in the zoning process.
- Standards for the issuance of use and area variances
- Administration and enforcement of zoning

SEQRA - Community Character Issues

- Case law relating to the application of community character issues in the State Environmental Quality Review Act review process
- Use of comprehensive planning to identify and define community character
- Designating key visual and aesthetic resources before they are threatened
- Discussion of how visual resource analysis was applied to a particular project and vista.

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County Referrals

- A discussion of the requirements of General Municipal Law §239-l, -m, and -n.
- The circumstances under which an application must be referred to a county planning agency
- The benefits and the effect of certain recommendations from the county planning agency
- The consequences of failing to make a required referral to the county planning agency

Records, Findings & Decisions

- Organizing paperwork for current and long term use
- Creating a good record
- The importance of findings and how to write them
- Making and filing a decision

How to Conduct Effective Meetings and Hearings

- The goals and requirements associated with holding meetings, in contrast to the purposes and legal requirements surrounding a public hearing
- The role of the chairperson in conducting effective meetings
- How to manage the public and the media in the context of a hearing or meeting
- Executive sessions, quorums, minutes, public notices, and other aspects of the Open Meetings Law

There is no fee for this seminar thanks to the following sponsors.

The Suffolk County Planning Federation - The Suffolk County Planning Federation was formed in 1994 by County Executive Robert J. Gaffney as an organization to provide training opportunities for county and local planning officials.

New York State Department of State - The NYS Department of State provides training to municipal officials who are seeking basic information about local government powers and duties in relation to the land use review and approval process. *Basic* land use management training courses are offered for planning board and zoning board of appeals members, elected officials, and zoning enforcement officers.

The American Planning Association - The American Planning Association is a nationwide professional, public interest and research organization representing over 30,000 planners, elected and appointed officials and citizens concerned with planning and development. The Long Island Section of the Metro Chapter of the APA is the local contact for this program.

Special thanks to James F. Gesualdi, AICP, Attorney at Law and Anthony Guardino, Esq. of Farrell Fritz, P.C. for their help in initiating and participating in this seminar.

(1) Completion of this course provides the following continuing education credits:

- Code Enforcement Officers: 2 hours of In-Service Credit from the Office of Fire Prevention & Control
- Attorneys: 2 hours of Continuing Legal Education - Professional Practice
- American Institute of Certified Planners: 2 hours of Continuing Professional Development Program

PLANNING BASIC TRAINING - GUEST LECTURERS, October 30, 2002

Andrew P. Freleng, AICP

Andy is a principal planner at the Suffolk County Department of Planning; Vice Chair of the Central Pine Barrens Credit Clearinghouse; A member of the Board of Directors of the New York Planning Federation; and past Director (now Secretary) of the American Planning Association, Long Island Section. Prior to coming to Suffolk County Planning, Andy was Chief Planner for the Town of Southampton and prior to that, Chief Environmental Planner for H2M Group (an engineering, architecture, community development and planning firm). In 1999 Andy was elected to the Board of Trustees of the Incorporated Village of Port Jefferson after serving three years on the Planning Board. He is currently enjoying his second term as Trustee. As Trustee Andy is responsible for the Conservation Advisory Council, advisor to the Board of Trustees on matters such as SEQRA, water front and storm water issues. Andy holds a BS degree in environmental science from Long Island University, Southampton College and did his Graduate work in environmental management at C. W. Post (LIU).

James F. Gesualdi, AICP, Esq.

James F. Gesualdi, Esq., is a sole practitioner in Islip, Long Island, New York. Mr. Gesualdi's practice is concentrated on land-use, planning, zoning and animal welfare matters. He earned his B.A. degree from St. Lawrence University where he graduated *magna cum laude*, Phi Beta Kappa, with highest honors in Government; his M.A. in Political Science (Public Affairs) from the State University of New York at Stony Brook; and his J.D. degree from the Hofstra University School of Law from which he graduated with Distinction and where he served as a Notes and Comments Editor of the Law Review. Mr. Gesualdi has represented property owners, developers, citizens groups, and municipalities in a variety of high profile land use and environmental matters, including subdivisions, site plans, special permits, variances and zone changes. He has long been actively involved in the Long Island planning community, having worked in the Town of Islip Planning Department, served on the American Planning Association Long Island Chapter Steering Committee, and as a frequent panelist in American Planning Association and Suffolk County Planning Federation training programs for planning and zoning officials. In addition, he has served as Village Attorney to the Incorporated Villages of Huntington Bay and Head-of-the-Harbor, and as the Village Attorney to the Incorporated Village of Nissequogue Planning Board. He has also served as special counsel to the Towns of Brookhaven, Riverhead and Southold on land use and environmental review matters, including smart growth initiatives.

Anthony S. Guardino, Esq.

Anthony S. Guardino is counsel with Farrell Fritz, P.C.'s municipal litigation department practicing in the areas of land use, zoning and environmental law. He represents landowners, developers and municipalities in the litigation of land use and environmental matters before federal and state courts and regularly appears before municipal boards in connection with a broad range of land use applications. Mr. Guardino has served as counsel to the Board of Trustees, Planning Board and Board of Zoning Appeals of several villages in Nassau County and as Village Prosecutor in the Village of Sands Point, New York. He has also served as special counsel to the Village of Huntington Bay, New York. Prior to joining Farrell Fritz, Mr. Guardino was a land use planner with a New York City based development consulting firm where he obtained significant knowledge and experience in the areas of land use planning, zoning, and environmental regulation. Mr. Guardino is currently a regular columnist for the Long Island Edition of the *New York Law Journal* on zoning and land use planning matters. He is also a frequent lecturer at seminars on land use and zoning law, and participates in the firm's annual training program for zoning board and planning board members. Mr. Guardino received his J.D. degree from Southwestern University School of Law in Los Angeles, California. In addition to his law degree, Mr. Guardino received an M.A. degree from Pitzer College in Claremont, California, where he majored in Environmental Studies. Mr. Guardino is admitted to practice before State and Federal courts in New York and New Jersey. His professional affiliations include membership in the Nassau County, Suffolk County, New York State and American Bar Associations, and the American Planning Association.

Lori Heithoff, AICP

Lori Heithoff is the Department of State Land Use Training Manager, responsible for developing the training program offered to local planning and zoning officials, as well as presenting the training programs. In addition, she serves as the point of first referral for those individuals throughout the state requesting technical assistance on planning and zoning issues. Prior to joining the Department of State, she provided staff support for the update and recodification of New York State's Land Use Laws. Mrs. Heithoff holds a Masters in Urban & Regional Planning and a Bachelor of Arts in Political Science, both from the State University of New York at Albany where she was elected to Phi Beta Kappa. She is also a member of the American Institute of Certified Planners.

Resource Manual

Planning Basic Training: A Seminar on Planning Board Fundamentals, Zoning Board Fundamentals and SEQRA Community Character Issues

PLANNING BASIC TRAINING - GUEST LECTURERS, October 30, 2002

Barbara "Charlie" Murphy, NYS Assistant Secretary of State

Charlie Murphy was appointed New York State Assistant Secretary of State in July 2000. She held public office from 1985 to 1991, first as Trustee and Deputy Mayor of Cold Spring and later (1988-1991) as Putnam County Legislator. During that period, she received the Putnam County Community Services Award and the 4-H Alumni Award for her achievements chairing the County's Health, Education and Social Services Committee. As a result of work with several environmental organizations and land trusts, she was appointed Putnam County's first representative to the Hudson River Valley Greenway Council. As a part time real estate developer, she has been a partner in historic preservation, Main Street revitalization and green building projects. Her turn-of-the-century home in Highland Falls is powered by the adjacent waterfall. Prior to joining the administration, Ms. Murphy served eight years as Director of Public Education and Assistant Administrator of Scenic Hudson, Inc., an environmental organization and land trust in the Hudson Valley. Ms. Murphy is a native of Hastings-on-Hudson. She graduated Phi Beta Kappa from Tufts University.

Jack A. Nasca, Chief, SEQR Coordination and Training

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Jack is chief of the SEQR Coordination and Training Unit in the Division of Environmental Permits at the New York State Department of Environmental Conservation (DEC). He has been at DEC since 1980 working with the SEQR program in several capacities. Jack is a co-author of the SEQR Handbook and has been active in the department's public outreach program for local government. He holds a B.S. in Biology from the College of Environmental Science and Forestry at Syracuse University and a M.A. in Biology from the State University College at Buffalo.

Bernard E. Schmelz, AICP

Bernard Schmelz, a member of the American Institute of Certified Planners, has over 30 years of experience in land use planning, regulatory affairs and project management including the preparation of community master plans, infrastructure planning and construction, the preparation of environmental impact statements and wetland identification and delineation. Prior to joining the Department of State, Mr. Schmelz was the owner of Bernard E. Schmelz & Associates, an environmental consulting firm located in Troy, NY. He also worked in the public, quasi-public and private sector, including the Town of Colonie and Chesterfield County, Virginia. Mr. Schmelz received a bachelors degree in Education and Political Science from the State University of New York at Plattsburgh, and received an MS in Urban and Environmental Studies from Rensselaer Polytechnic Institute in Troy, NY. He collaborated in the initial preparation of the SEQRA Regulations in the mid 1970's, as well as revisions which were proposed in the early 1980's. He also worked very closely with the Adirondack Park Agency during the revision process to the APA Regulations in the late 1970's.

Lawrence Weintraub, Esq.

Lawrence (Larry) H. Weintraub has been a Senior Attorney with the New York State Department of State since October 2000. He works with the Department of State's divisions of Local Government and Coastal Resources. Before joining the Department of State, Larry spent approximately 11 years in the private practice of law. During that time, Larry mostly worked in the areas of municipal, land use, environmental and real property law. For various periods, Larry served as a village and town attorney and consulted with several municipalities in the preparation and adoption of land use regulations. Larry has an undergraduate degree in geology from Harpur College at the State University of New York at Binghamton and a Juris Doctor from Antioch University School of Law. He is admitted to practice in New York and several federal courts. Larry is a member of the International Municipal Lawyers Association.

Harry Willis, Esq.

Harry Willis has been an attorney with the Department of State since 1980, specializing in municipal law and land use. He serves as the Department's Local Government Counsel, and also has served as a member of the Town of Glenville Planning Board and the Village of Scotia Zoning Board of Appeals. Mr. Willis has written numerous pieces of legislation, articles and opinions, and has lectured extensively on issues of municipal and land use law. He is the co-author of the award-winning book, *The Short Course: A Basic Guide for Planning and Zoning Boards of Appeals in New York State*. Mr. Willis holds a B.A. from Union College, an M.A. from the State University at Albany, and a J.D. from Franklin Pierce Law Center.

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